

## **27 NCAC 01B .0106 GRIEVANCE COMMITTEE: POWERS AND DUTIES**

The Grievance Committee will have the power and duty

- (1) to direct the counsel to investigate any alleged misconduct or disability of a member of the North Carolina State Bar coming to its attention;
- (2) to hold preliminary hearings, find probable cause and direct that complaints be filed;
- (3) to dismiss grievances upon a finding of no probable cause;
- (4) to issue a letter of caution to a respondent in cases wherein misconduct is not established but the activities of the respondent are unprofessional or not in accord with accepted professional practice. The letter of caution will recommend that the respondent be more professional in his or her practice in one or more ways which are to be specifically identified;
- (5) to issue a letter of warning to a respondent in cases wherein no probable cause is found but it is determined by the Grievance Committee that the conduct of the respondent is an unintentional, minor, or technical violation of the Rules of Professional Conduct. The letter of warning will advise the respondent that he or she may be subject to discipline if such conduct is continued or repeated. The warning will specify in one or more ways the conduct or practice for which the respondent is being warned. A copy of the letter of warning will be maintained in the office of the counsel for three years subject to the confidentiality provisions of Rule .0133 of this subchapter;
- (6) to issue an admonition in cases wherein the respondent has committed a minor violation of the Rules of Professional Conduct;
- (7) to issue a reprimand in cases wherein the respondent has violated one or more provisions of the Rules of Professional Conduct, and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure;
- (8) to issue a censure in cases wherein the respondent has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require suspension of the respondent's license;
- (9) to direct that a petition be filed seeking a determination whether a member of the North Carolina State Bar is disabled;
- (10) to include in any order of admonition, reprimand, or censure a provision requiring the respondent to complete a reasonable amount of continuing legal education in addition to the minimum amount required by the North Carolina Supreme Court;
- (11) in its discretion, to refer grievances primarily attributable to unsound law office management to a program of law office management training approved by the State Bar in accordance with Rule .0112(i) of this subchapter;
- (12) in its discretion, to refer grievances primarily attributable to the respondent's substance abuse or mental health problem to the Lawyer Assistance Program in accordance with Rule .0112(j) of this subchapter;
- (13) in its discretion, to refer grievances primarily attributable to the respondent's failure to employ sound trust accounting techniques to the trust account supervisory program in accordance with Rule .0112(k) of this subchapter;
- (14) to operate the Attorney Client Assistance Program (ACAP). Functions of ACAP can include without limitation:
  - (a) assisting clients and lawyers in resolving issues arising in the client/lawyer relationship that might be resolved without the need to open grievance files; and
  - (b) operating the Fee Dispute Resolution Program;
- (15) to consider and decide whether to follow the recommendation of a grievance review panel; and
- (16) to perform such other duties as the council may direct.

*History Note: Authority G.S. 84-23;  
Readopted Eff. December 8, 1994;  
Amendments Approved by the Supreme Court: March 3, 1999; December 20, 2000; August 23, 2012; September 25, 2019;  
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